

COUNTY OF LINCOLN

New Mexico Regular Meeting Board of County Commissioners

Preston Stone, Chair
Dallas Draper, Vice Chair

Thomas F. Stewart, Member
Elaine Allen, Member
Lynn Willard, Member

Minutes Tuesday, October 18, 2016

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on October 18, 2016 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New Mexico.

1. Call to Order

Vice Chair Draper called the Regular Meeting of the Board of County Commissioners to order at 8:30 AM.

2. Roll Call

Roll Call.

Present: Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Absent: Chair Stone.

Others present included Nita Taylor, County Manager; Alan Morel, County Attorney; and Rhonda Burrows, County Clerk.

3. Invocation

The invocation was presented by Chair Draper.

4. Pledge of Allegiance

- a. Pledge – US Flag
- b. Salute – NM Flag

5. Approval of Agenda

Motion: Acceptance of the Agenda and authorized the Chair to move items as necessary.

Action: Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

6. Approval of Minutes

- a. September 27, 2016 – Regular Commission Meeting

Motion: Approve the minutes of the September 27, 2016 Regular Meeting; **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

7. Approval of Consent Agenda

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month ending September 30, 2016

Motion: Approval of the Consent Agenda as presented, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

Commissioner Stewart expressed concern about expenditures and fund balances for the Office of Emergency Services and the Maintenance Department.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

SEE EXHIBIT A: Copies of Consent Items including Amended Resolution 2016-3 are attached hereto in reference thereto made a part hereof.

19. Recognition for Arabela and Bonito Fire Departments for Achieving ISO Rating 6

Nita Taylor, County Manager informed the State Fire Marshal's Office conducts an Insurance Service Office (ISO) Grading Survey of the County Volunteer Fire Departments every three years. Ms. Taylor stated an improved rating reflects a fire department's successful advancement of firefighting capabilities and an increased level of service to the community. Ms. Taylor stated the Arabela Fire Department improved their ISO Rating from 9 to 6 and the Bonito Fire Department improved their rating from 8 to 6.

Joe Kenmore, Director of the Office of Emergency Services introduced Carl Bartley, Bonito Fire Chief; Rick Hall, Bonito Fire Department; Cliff Crouch, Arabela Assistant Fire Chief; and Fernando Montoya, Arabela Fire Chief. Mr. Kenmore presented each department with a Certificate of Recognition issued by the State Fire Marshal.

8. Forest, Land & Natural Resources Matters:

a. Smokey Bear Ranger District

Anthony Sanchez, Fire Management Officer for the Smokey Bear District introduced Aaron Baldrige, Acting District Ranger. Acting Ranger Baldrige informed he would serve as Acting District Ranger through mid-December when the new permanent District Ranger would assume the position. Acting Ranger Baldrige reported previously scheduled work on prescribed burns would continue as weather permitted. Acting Ranger Baldrige anticipated the District would release the Draft Assessment for the Lincoln National Forest Plan Revision for public comment and would schedule public hearings on the topic.

Ms. Taylor informed the Lincoln National Forest had scheduled two workshops on forest restoration in the Sacramento Mountains in October. Ms. Taylor stated individuals planning to participate in the Forest Plan Revision process were encouraged to attend these workshops.

b. Cibola National Forest

Ms. Taylor stated she had no new information to present regarding the Cibola National Forest Plan Revision. Ms. Taylor reminded the Claunich Pinto Soil and Water Conservation District was a key participant in the Plan Revision Process. Ms. Taylor stated Dee Tarr, District Manager of the Claunich Pinto SWCD extended an invitation to Lincoln County Commissioners to attend the district's 75th Anniversary Celebration on November 10, 2016.

c. South Central Mountain Resource and Conservation District Council

Rick Merrick, Community Forester was unable to attend today's meeting. Ms. Taylor provided copies of the District's August Meeting minutes and September Meeting Agenda. Ms. Taylor stated she attended the August meeting and noted a topic of interest was the Air Curtain Incinerator and potential usage by County residents for slash and green waste disposal.

d. Upper Hondo Soil & Water Conservation District

Laura Johnson, Program Coordinator was unable to attend the meeting but provided information regarding a "Drought Outlook and Impacts Workshop" scheduled for October 25, 2016 in Las Cruces.

e. Water Issues

Ms. Taylor reported there were no new water right applications posted to the state Engineer's website this month.

9. Approval Intergovernmental Agreement Regarding the Exercise of Joint Powers for the Operation of the Coalition of Arizona / New Mexico Counties for Stable Economic Growth.

Ms. Taylor reminded Lincoln County had participated as a member in this Coalition for many years and budgeted \$2600 for dues for this fiscal year. Ms. Taylor stated the purpose of the coalition was to provide for a mutual and common response to state and federal regulatory actions which impact land and wildlife resource management. Ms. Taylor noted the coalition also funded and directed litigation pertaining to actions by federal agencies which adversely affect members and economic activities.

Ms. Taylor presented the Intergovernmental Agreement which if approved would revoke and replace the existing Joint Powers Agreement initially developed in the 1990's. Ms. Taylor stated the agreements were substantially the same.

Motion: Approve Intergovernmental Agreement with the Coalition of Arizona and New Mexico Counties, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

11. Consideration of Contract Award to Review and Amend Appendix A and B of the Lincoln Historic Preservation Ordinance No. 2004-5

Ms. Taylor reminded of prior action to approve the formation of a subcommittee by the Lincoln Historic Preservation Board to draft revisions to Appendix B of the Lincoln Historic Preservation Ordinance. Ms. Taylor provided a proposal received from Reginald Wade Richey for the provision of professional services to review and provide recommendations for amendments to clarify both Appendix A and Appendix B of the Ordinance.

Alan Morel, County Attorney discussed the problems associated with current appendices and Mr. Richey's extensive experience in dealing with the Ordinance both as a past Historic District Board member and longtime resident of the Historic District. Attorney Morel requested clarification of the scope of work proposed by Mr. Richey.

Mr. Richey stated the original appendices were developed by the Historic Preservation Department in Santa Fe in 1974 with only minor revisions since that time. Mr. Richey stated the current appendices lack clarity, graphic examples and clear guidance. Mr. Richey suggested revision utilizing graphics and photos to provide clear guidance for users and assist the Lincoln Historic Board in the decision making process.

Attorney Morel questioned Mr. Richey about the estimated total cost for services.

Mr. Richey stated the proposed costs of \$7800 were accurate and the reference to "undetermined expense" was included to accommodate publication costs. Mr. Richey suggested publication of the revised appendices by posting to the Lincoln County website would decrease publication costs.

Attorney Morel clarified any revisions to the Lincoln Historic District Ordinance Appendices were not revisions to the Ordinance itself and therefore would not require a public hearing.

Commissioner Willard questioned if Mr. Richey currently served as member of the Lincoln Historic Preservation Board.

Mr. Richey stated he had resigned from the Historic Preservation Board but during his tenure he had completed a review and revision of large portions of the appendices. Mr. Richey stated during that review he determined the addition of graphic illustrations and other supporting documents would prove very useful to the Board and to applicants for signage in particular.

Commissioner Willard reported he had contacted the NM State Preservation Department and learned a grant to match funds expended was available and requested the Grant Administrator submit a grant proposal.

Chair Draper questioned if other members of the Lincoln Historic Preservation Board had expressed an opinion regarding the proposed contract for Mr. Richey's services.

Commissioner Allan commented on the ambiguity of current language and expressed support as a past member of the Historic District Board for the project to assist with clarity in the administration of the Lincoln Historic District Ordinance.

Motion: Approve a professional services contract with Mr. Richey to review and amend Appendices A and B for the amount of \$7800 and direct the Manager and Attorney to develop the contract to define the scope of work, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Willard.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

12. Approval or Disapproval of Safety Net Care Pool and Indigent Health Care Claims

Mr. Annala presented the Safety Net Care Provider Pool claims for approval. Mr. Annala processed 19 claims with 19 recommended for approval and none recommended for disapproval for a monthly authorization of \$31,129. Mr. Annala stated approval of the claims would result in a total approval of Safety Net Care Pool claims for Fiscal Year 2016-2017 to date of \$68,387 or a monthly average of \$17,097.

Mr. Annala presented the Indigent Health Care Payments request for the month. Mr. Annala processed 13 claims with 10 claims recommended for approval and 3 for disapproval for a total payment this month of \$4,315.91. Mr. Annala stated approval of the claims would result in a total expenditure for Fiscal Year 2015-2016 to date of \$27,830 or a monthly average of \$6,957. Mr. Annala stated based on the current average he estimated expenditure of \$83,489 of the \$100,000 budget.

Motion: Approval and denial of the claims as indicated for the Safety Net Care Pool and Indigent Health Care as recommended, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

SEE EXHIBIT B: Copies of the Safety Net Care Pool and Indigent Health Care Payments are attached hereto in reference thereto made a part hereof.

14. Sun Zia Update-Martin Bailey

Ms. Taylor provided a history of Lincoln County's interest and prior actions beginning in 2011 related to the Sun Zia Project. Ms. Taylor noted actions included the adoption of Resolution 2011-18 and Resolution 2013-05 in support of the project.

Martin Bailey, Real Property Manager for the Sun Zia Project provided a project summary and status report for the 515 mile transmission line in New Mexico and Arizona. Mr. Bailey stated the most recent developments included the execution of a final agreement with the Bureau of Land Management and the official close of the Anchor Tenant Process in August of 2016. Mr. Bailey discussed the Internal Revenue Service's wind product tax credits and commented on the tight timeline for project completion to receive the full tax credit which will diminish beginning in 2020.

Laura Lee Hunt, Patterson Energy Project Manager for wind development in the State of New Mexico reported Patterson was working with private land owner groups including Corona area land owners to develop anchor tenant agreements. Ms. Hunt stated she was working with the Lincoln County Planning Department to review applicable Lincoln County Ordinances and assure compliance.

13. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS

Commissioner Stewart informed he attended a celebration on October 16, 2016 marking the 100th anniversary of the Angus Church of the Nazarene. Commissioner Stewart stated he also attended the National Tribal Telecommunications Conference hosted by the Mescalero Apache Telephone Company for a discussion titled "Broadband Matters". Commissioner Stewart reported he was asked to serve on a project management team for the ongoing Joint Land Use Study project.

Commissioner Stewart reported Debra Ingle, Operations Manager for the Greentree Solid Waste Authority filed an Open Meetings Act Complaint with the Attorney General alleging Lincoln County did not meet the requirements of the act for the Special Meeting held September 9, 2016. Commissioner Stewart reminded he was the Lincoln County member serving on the GSWA Board and stated this action was taken without his knowledge or the approval of the GSWA Board.

Alan Morel, County Attorney stated for the record the Lincoln County notice of the September 9, 2016 Special Meeting was absolutely proper. Attorney Morel stated the typical remedy for any allegation of a violation of the Open Meetings Act resulted in a recommendation from the Office of the Attorney General to reconsider any actions taken during such meeting. Attorney Morel stated "out of an abundance of caution" Lincoln County would schedule a Special Meeting to reaffirm the actions taken at the September 9, 2016 Special Meeting.

Beverly Calaway, Treasurer reported Lincoln County received the 2016 County Equalization Distribution from the State of New Mexico. Ms. Calaway explained the distribution was allocated to counties who generate gross receipts tax less than the statewide average per capita in the fiscal year. Ms. Calaway stated the distribution was equal to 1/8th of the county gross receipts tax in 2016. Ms. Calaway stated in 2015 Lincoln County's distribution was \$134,721 but the distribution for 2016 was \$43,938 or less than 1/3 of the normal distribution. Ms. Calaway attributed the reduction to the decline in gross receipts tax revenues associated with the oil and gas industry.

Ms. Calaway reported the Treasurer's Office would bill county residents for \$29,974,595.64 in property taxes. Ms. Calaway provided several charts detailing amounts billed and distributions for each individual entity for which Lincoln County collects property taxes. Ms. Calaway informed the Title Examiners for the State of New Mexico had begun the annual process to research and red tag properties which were delinquent from 2013 to 2015.

Commissioner Stewart questioned if there was a statutory time line for the issuance of property tax bills.

Ms. Calaway stated there was a small forty day window to issue property tax bills and process returned mail, questions, and other matters related to the billing. Ms. Calaway stated traditionally the Lincoln County Treasurer's Office mailed the property tax bills on or about October 20th of each year to provide tax payers additional time to pay prior to the delinquent deadline of December 10th. Ms. Calaway stated concerns about any delay occurring as a result of the allegation of violation of the Open Meetings Act for the meeting during which the property tax rates were approved.

Rhonda Burrows, Clerk informed on her attendance at the New Mexico Association of Counties Board Meeting held in Lordsburg on October 13th and 14th, 2016. Ms. Burrows stated NMAC Board Members received a tour of the new US Board Patrol Facility located there which was built in partnership with Hidalgo County. Ms. Burrows stated the Bureau of Land Management also discussed the process whereby local governments or public entities could acquire the property listed on the BLM disposal list for public use.

Earl McCaw, resident of Grey Road in Capitan requested assistance and expressed concern about neighbors who had multiple modular homes and recreational vehicles on their property. Mr. McCaw expressed belief the homes were not properly connected to a septic tank. Mr. McCaw stated belief these residents were also utilizing solid waste services without payment and suggested other illegal activities were occurring in the area.

Samantha Mendez, Interim Planning Director and Ordinance Administrator informed she had forwarded Mr. McCaw's complaint to the State of NM Environmental Department who has oversight of sewage disposal. Ms. Mendez stated the Environmental Department had opened an investigation and finding no permit for the property had mailed a notice of violation which was returned as undeliverable. Ms. Mendez stated the Environmental Department was endeavoring to find a valid address.

John Ryan, present as representative of the Sun Zia Project, stated he wished to speak as a citizen and informed he had relinquished his seat in the New Mexico Senate after serving twelve years. Mr. Ryan reported he was working on the Sun Zia Transmission Project and hoped to help inform and coordinate the development of the project with the County of Lincoln. Mr. Ryan stated he believed that Lincoln County would benefit more than any other county from the project.

Chair Draper reported on NMAC Economic Development Committee activities including the development of specific training opportunities for county employees and also the expansion of broadband accessibility for economic development. Chair Draper also reported on his attendance at a meeting of the Southeastern New Mexico Economic Development District (SNMEDD) during which the Small Business Association provided an update on activities to support small businesses. Chair Draper reported SNMEDD had also received reduced state funding as a result of the recent budget cuts. Chair Draper informed the Mescalero Apache Tribe planned to develop their own Economic Development District.

Karen Hazen, Program Director for the Carrizozo Soil and Water Conservation District presented a request to partner with Lincoln County for development of a joint land use agreement. Ms. Hazen noted the current Lincoln County Land Use Plan was developed in 2007.

Steve Harkey, Supervisor for the Conservation District explained the need for a Land Use Agreement to assist with planning. Mr. Harkey suggested Lincoln County and the Conservation District work together to revise the current Lincoln County Land Use Plan.

Ms. Taylor remarked on the age of Lincoln County's plan, expressed belief it would be timely to review the Lincoln County Land Use Plan, and supported the inclusion of the Conservation District and the Lincoln County Land and Natural Resources Committee (LANRAC) in the process.

14. Sun Zia Update-Martin Bailey (continued)

Mr. Bailey informed the 515 miles designated for the project consisted of 315 miles in the State of New Mexico of which 134 miles were on Bureau of Land Management property, 90 miles were on New Mexico State Land Office property, and 94 miles were on private property. Mr. Bailey stated right of entry and right of way negotiations were in process. Mr. Bailey stated after the execution of the Bureau of Land Management agreement all except 4 miles of the project were under agreement.

Commissioner Draper questioned if the route represented on the presentation map was the final route and if the route was approved by the military in the area.

Mr. Bailey stated since the initial proposal in 2008 the route was altered to accommodate the record of decision issued in February 2015 but stated the route presented today was the final route. Mr. Bailey stated the route was subject to minor revisions if needed to accommodate any identified cultural resources during construction.

Mr. Bailey stated the high voltage line would be served by a lower voltage collector system which would reach further into resource zones to provide access to the Sun Zia Transmission Line. Mr. Bailey stated Patterson Energy would design the collector systems in New Mexico.

Chair Draper questioned if any New Mexico power companies would utilize the energy generated for the Sun Zia Line.

Mr. Bailey stated the demand for alternative energy in New Mexico was currently fulfilled by existing resources but conversations were ongoing to gauge future interest.

10. NMDOT Discussion/Update - District Engineer Timothy Parker

Ms. Taylor reminded the New Mexico Department of Transportation (DOT) was a key partner of Lincoln County's in the utilization of Capital Appropriations for road improvements, development of Cooperative Road programs; and providing maintenance and service for state roads traversing Lincoln County.

Timothy Parker, District Engineer introduced key staff including Sigrid Webb, Local Government Local Fund Coordinator; Jim Sconhove, Assistant District Engineer for Maintenance; Eddie Sedillo, Area Maintenance Supervisor for Lincoln and Otero Counties; Chris Barela, Carrizozo Patrol Foreman; and Jimmy Luna, Capitan Supervisor.

Mr. Parker provided an overview of DOT activities in District 2 which includes Chaves, Lincoln, Otero, Eddy, Lea, Roosevelt, Curry, De Baca and parts of Guadalupe and Torrance County and is the largest district in the state. Mr. Parker stated the district included 7750 miles of travel and served 137 different communities. Mr. Parker discussed the District 2's annual funding allocation of 25 to 26 million per year.

Mr. Parker reviewed recently completed projects in Lincoln County including improvements to Ski Run Road and Apache Summit on Highway 70. Mr. Parker reviewed the list of current and planned maintenance projects scheduled in Lincoln County. Mr. Parker also provided a list of planned future projects which include improvements to US 54; US 380; Ski Run Road; and NM 48.

Commissioner Stewart questioned if DOT was involved in the placement of Early Warning signage for road closure by White Sands Missile Range.

Mr. Parker stated the Early Warning signage was owned and managed by White Sands Missile Range (WSMR) but noted DOT had received some complaints about the need for notification.

Mr. Parker stated DOT had suggested WSMR place two additional Early Warning signs in Carrizozo and on Highway 70. Mr. Parker agreed to share contact information with the County Manager so Lincoln County could continue to pursue placement of signage.

Mr. Parker discussed local government projects which may include capital outlay awards and commented on the process to complete projects and receive reimbursement for work done. Mr. Parker stated additional oversight measures for cost share projects with local government entities were in place to satisfy federal requirements.

Commissioner Draper questioned if DOT could assist Lincoln County with the relocation of the County Road Yard.

Mr. Parker reminded DOT had donated millings to Lincoln County to improve county roads but stated the County could submit a letter of request for land to locate a road yard.

Ms. Taylor questioned the status of improvements planned for Highway 54 in Carrizozo.

Mr. Parker stated improvements to the downtown area were "bumped" by Santa Fe from 2017 to 2019 due to fiscal constraints.

Ms. Taylor also discussed traffic problems associated with the configuration of US 48 in Capitan which has a 90 degree turn near the County owned and Presbyterian managed medical clinic.

Jimmy Luna, Capitan Supervisor stated the problem was under review by the traffic engineer who would provide recommendations.

Mr. Parker noted the DOT District had a number of these "Deadman" curves which were typically cost prohibitive to redesign. Mr. Parker stated typically the traffic engineer would identify low cost, high value options to modify traffic within 30 to 40 days.

Chair Draper recessed the Regular Meeting at 10:41 AM and reconvened at 10:56 AM.

15. Lincoln County Medical Center

a. General Update

Ms. Taylor reported on efforts by both Presbyterian and Lincoln County to educate the public about the County Bond Question on the 2016 General Election Ballot. Ms. Taylor provided a copy of Presbyterian's presentation to the public and also copy of a letter of support issued by the Ruidoso Valley Chamber of Commerce. Ms. Taylor stated the focus of these educational efforts was to inform voters the new renegotiated lease payment from Presbyterian in the amount of \$2.3 million per year was more than sufficient to cover the anticipated debt service of approximately \$1.8 million per year for construction of a new hospital and therefore property taxes would not increase should voters approve the bond question.

b. Authorization to Enter Into CES Agreement and Standard AIA Contract Between County of Lincoln and Dekker/Perich/Sabatini, Architect, for A/E Fees Associated with Emergency Medical Services - Effective November 9, 2016 if General Obligation Bond Question Approved by Voters

Ms. Taylor presented a proposed timeline provided by the architectural firm of Dekker/Perich/Sabatini for the design and construction of a new Emergency Medical Services facility. Ms. Taylor stated if the voters approved the bond question related to the construction of the new hospital on November 8, 2016, architectural and design tasks could commence for this portion of the project as early as November 22, 2016. Ms. Taylor stated the estimated cost for architectural services was \$126,173.13 plus gross receipts tax and construction costs were estimated at \$1,941,125 plus gross receipts tax.

Ms. Taylor discussed the advantages of granting authorization to proceed with work on an agreement and contract prior to the election. Ms. Taylor stated if authorization to proceed was granted the agreement would not be finalized unless and until the voters approved the bond question.

Motion: Authorize the Manager and County Attorney to develop and enter into a contract for architectural services pending approval of the County Bond Question for the 2016 General Election on November 8, 2016, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

16. Solid Waste Collection Services

- a. Review Draft of Resolution 2016-17, Introducing New Service Offering: Lincoln County Private 3 Cubic Yd. Dumpster and Associated Fee

Ms. Taylor reminded of prior direction to develop a fee for the provision of a proposed new service of Private Dumpsters. Ms. Taylor reviewed the process to determine the fee for the proposed service and recommended establishing a fee of \$63.30 per month for provision of a private dumpster.

Ms. Taylor presented a draft of the proposed Resolution and requested a public hearing be set for the November Regular Meeting to consider adoption of the Resolution to formally establish rates for the proposed new service.

Attorney Morel stated the action of establishing a new "voluntary" service would not require a revision of the related Solid Waste Ordinance only adoption of the associated fee by Resolution.

Ms. Taylor reported staff had identified no cost effective way to poll the public as to potential demand but reminded additional dumpsters were purchased and therefore available for use.

- b. Consideration and Approval of First Amendment to Solid Waste Services Contract Between County of Lincoln and Sierra Contracting, Inc; Effective Upon Approval of Resolution 2016-17

Ms. Taylor informed adoption of the proposed amendment to Lincoln County's contract with Sierra Contracting would enable Sierra Contracting to provide the private dumpster service immediately upon adoption of a rate by resolution.

Commissioner Stewart questioned if the County should wait to amend the contract until after the public hearing to consider Resolution 2016-17.

Attorney Morel stated the intent was to begin development of the terms of the agreement contingent upon approval of the Resolution

There was a consensus to postpone adoption of the contractual amendment until after the public hearing and adoption of the associated Resolution at the November Regular Meeting.

c. General Update

Ms. Taylor reminded of a prior discussion of a request from Greentree Solid Waste Authority for assistance with the crediting of overpayments to GSWA for the first quarter of 2015. Ms. Taylor stated she informed GSWA the County could not apply credit to individual accounts as initially proposed by GSWA.

Ms. Taylor reported Lincoln County received delivery of 72 new dumpsters. Ms. Taylor stated Sierra Contracting was in the process of replacing damaged dumpsters with plans to repair those damaged if possible for future use.

Ms. Taylor reported the previously discussed and approved slash pick up had commenced and a representative from Sierra Contracting was on hand to provide an update.

Paul Wetzel, General Manager for Sierra Contracting provided a list of areas where slash pick up had occurred and estimated one third of the total project was complete. Mr. Wetzel anticipated the majority of tonnage would come from the Cedar Creek and Alpine Village areas.

Commissioner Stewart informed the coordinator for slash pickup for the Ranches of Sonterra had reported the previously identified slash piles were picked up and expressed belief the subdivision was current on slash pick up.

Commissioner Willard questioned what amount of slash Sierra Contracting had collected to date.

Mr. Wetzel estimated Sierra Contracting had picked up approximately 600 yards of slash thus far and expressed belief this was approximately one third of the total project.

Ms. Taylor noted Lincoln County had five community trash days in 2016. Ms. Taylor stated residents expressed appreciation for the community trash days and requested consistent provision of this service.

Mr. Wetzel reported residents had self-hauled approximately 4000 cubic yards of green waste and approximately 500 cubic yards of trash this year. Mr. Wetzel requested the County continue to inform residents about the option to haul slash and other waste directly to Sierra Contracting's yard as an effort to reduce illegal dumping.

Ms. Taylor reported the development and filing of previously approved liens was pending due to staff commitments for solid waste billing and collection. Ms. Taylor stated the number of accounts originally identified had declined to approximately 150.

17. Manager's Report

1. **HAT OFF:** County Road Department Operator IV Sammy Roper received high praise from landowner and rancher Sid Goodloe for anticipating the needs of his constituents and taking care of the roads accordingly. Mr. Goodloe stated the roads were sometimes impassible for large trucks at cattle-shipping time, making the task difficult for both the rancher, the hauler and the cattle. Mr. Roper made it a point to know when shipping was scheduled and prepared the road properly and timely.

2. **Annual Site Visit to Lincoln County Detention Center:** During the lunch break at the September 27th Commission meeting, all five Commissioners and the Manager conducted an unannounced inspection of the Lincoln County Detention Center. As per NMSA 33-3-4 "Each governing body of a county or municipality shall conduct an annual site visit to the jail or detention center under its jurisdiction to inspect the overall conditions at the facility." NMSA 33-3-4 requires that following a site visit, an inspection report shall be presented at a regular meeting of the governing body.

The Commissioners and County Manager found the overall conditions at the Detention Center to be satisfactory.

3. **Socorro, Curry and Dona Ana Counties to Host NMAC Conferences for 2018, 2019 and 2020:** The New Mexico Association of Counties Board of Directors voted to award the annual conference locations for 2018, 2019 and 2020 to Socorro County, Curry County and Dona Ana County respectively.

4. **Village of Ruidoso Forestry Department:** The County received two letters from the Village of Ruidoso ("VOR") regarding compliance with its Community Forest Management Plan which requires property owners to "control and/or abate all flammable vegetation that constitutes a fire hazard which may endanger or damage neighboring property." The Manager stated the letters were for Lincoln County owned lots within the municipality and the County had until August 31, 2017 to comply with the mandate. The Manager commented on the Village's thinning standards and suggested consideration of their processes as the County considered options for slash control and removal.

5. **State Purchasing Division Notice of Proposed Rulemaking:** County and Municipal Managers, School Officials and others received correspondence from Jim Barentine, Director for Southern Services CES informing of a State Purchasing Division Notice of Proposed Rulemaking which may adversely affect an entity's authority as a local public body to continue to handle procurement as currently allowed. The Manager provided a copy of the rule and a copy of the proposed changes.

6. **Carrizozo Senior Center:** Lincoln County's Department of Finance and Administration Community Development Project Manager Karen Ramage, responsible for overseeing the CDBG Grant, traveled to Carrizozo last week to conduct a physical review of the site. Ms. Ramage was preparing for the formal grant close-out scheduled for the end of November. Kam Security scheduled a final inspection with the Fire Marshal for the alarm system and this was the last inspection hurdle to cross. The Construction Industries Division (CID) completed their inspection and signed off of the project but a Certificate of Occupancy cannot be issued until the final Fire Marshal inspection. The Manager reminded the CDBG closeout process required a Final Closeout Public Hearing. The Manager stated the public hearing would be facilitated by Dora Batista, Grant Coordinator for the Southeastern New Mexico Economic Development District.

7. **Road Superintendent:** Lincoln County received eleven applications for the open Road Superintendent position. The position was advertised as a full time, unclassified at will position. The Manager stated the initial review of applications was conducted, reference checks were scheduled, and interviews would occur in the next week.

8. **Calendar of Events:** The Manager provided a calendar of upcoming events.

9. **Department Head Updates**

- a) Curt Temple, Interim Road Superintendent informed Road Department staff would work with the Village of Ruidoso to determine actions needed for compliance with their thinning standards and determine if staff could complete the requirements. Mr. Temple reported on various road projects including the application of millings obtained from the Department of Transportation on Devil's Canyon Road and some planned rehabilitation for Paso Monte Road. Mr. Temple also reported the US Forest Service reclaimed ownership of a grid roller for use in California with the intent to return it to Lincoln County within four to six months.
- b) Punkin Schlarb, Finance Director reported an option to pay solid waste fees by credit card was added to the Lincoln County website for customer convenience. Ms. Schlarb also reported the annual audit was in the final stages.
- c) Billie Jo Guevara, Administrative Assistant and Human Resources reported notices were provided to employees regarding optional benefits.
- d) Samantha Mendez, Interim Planning Director reported Amanda Garcia in Rural Addressing received notification Lincoln County had improved the 911 match rate from 82% to 90%. Ms. Mendez stated Ms. Garcia was now working with the Village of Capitan to resolve 911 addressing issues. Ms. Mendez stated she was overseeing the slash project as well as sending out the annual alarm permit renewal notifications. Ms. Mendez stated staff were also developing an inventory for signage.

Commissioner Willard question if Lincoln County had an Ordinance or method to track nightly rentals.

Paul Baca, Assessor stated the Assessor's Office does attempt to track nightly rentals as they are considered non-residential and therefore taxed differently. Mr. Baca stated he was not certain all nightly rentals were currently tracked because there was no single source list.

Commissioner Willard suggested Lincoln County consider identification and monitoring of nightly rentals to increase revenue for lodger's tax and also to deal with complaints related to these rentals.

Commissioner Draper stated he would explore the Village of Ruidoso process for oversight of these nightly rentals.

Attorney Morel reminded of the prior consideration and rejection by the Board of County Commissioners of a Business License Ordinance. Attorney Morel stated the proposed Ordinance would help to identify businesses such as nightly rentals.

- e) Joe Kenmore, Director of Office of Emergency Services reported on two recent grass fires and a fire on the porch of a rental home. Mr. Kenmore stated OES was currently working with the volunteer fire departments to complete pump testing.

Chair Draper recessed the Regular Meeting at 12:05 PM and reconvened at 1:00 PM.

Chair Draper recessed the Regular Meeting and convened the Public Hearing at 1:01 PM.

18. **1:00 PM: Public Hearing to consider an applicant seeking a craft distiller license, with on premises consumption and package sales for Liquor License No. 1001472: Glencoe Distillery, 27489 US HWY 70, Glencoe New Mexico**

Ms. Taylor informed the purpose of the public hearing was to consider the application for a craft distiller license, with on premises consumption and package sales. Ms. Taylor presented a copy of the Preliminary Approval issued by the NM Regulation and Licensing Department Alcohol and

Gaming Division for the application. Ms. Taylor reminded prior to final approval the Local Governing Body was required to hold a public hearing to consider the application.

Will Ponder, Managing Partner for Glencoe Distillery informed this application for a distiller license would allow the manufacturing of the "four major spirits" whiskey, vodka, rum and gin. Mr. Ponder stated the company would also manufacture derivatives such a coffee liquor.

Commissioner Draper questioned the water source for these operations.

Mr. Ponder stated the company initially planned to use treated well water for manufacturing but planned to seek permission to use collected rain water.

Commissioner Draper questioned the number of employees the company planned to employ.

Mr. Ponder stated in addition to the four business owners he anticipated hiring four additional employees.

Commissioner Draper questioned if the process generated waste which would require disposal.

Mr. Ponder stated the company would use the spent grain waste for compost and for a worm farm to generate additional farm products.

Commissioner Willard questioned the distance of the manufacturing site from the nearest church.

Mr. Ponder stated the nearest church was over 1,000 feet.

Chair Draper requested additional public comment and receiving none adjourned the Public Hearing and reconvened the Regular Meeting at 1:05 PM.

Motion: Approve Application No. 10014721 for the Glencoe Distillery, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

20. White Mountain Drug Task Force: Approval of MOU Between the Village of Ruidoso, City of Ruidoso Downs, 12th Judicial District Attorney, US Customs and Border Protection, US Border Patrol, Bureau of Indian Affairs-OJS-Mescalero, Lincoln County Sheriff's Office and The County of Lincoln

Ms. Taylor stated the purpose of the agreement was to state the general understanding between the involved parties as to the development, implementation and operation of a drug enforcement task force. Ms. Taylor informed under the terms of the agreement the County of Lincoln would act as the fiscal agent for the task force.

Motion: Approve the Memorandum of Understanding for the drug task force **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

21. Consideration / Approval of the Compensation Advisory Board's Recommendation to add a Temporary /Seasonal Position to the County Treasurer's Staff to Compensate for Employee on Extended Medical Leave

Ms. Taylor informed Beverly Calaway, Treasurer had requested creation of a Temporary / Seasonal Position to assist in her office while a member of her staff was on extended medical leave. Ms. Taylor reported the Compensation Advisory Board met on October 11, 2016 to consider the request and unanimously voted to recommend approval of the position.

Motion: Approve a Temporary / Seasonal position for the Treasurer's Department, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

22. Approval to Pay Prior Year Invoices to C and JS Tire and Auto Services, Inc.

Ms. Taylor informed C and JS Tire and Auto Services, Inc. presented an invoice on September 27, 2016 for services provided to the Sheriff's Department and King Industries presented an invoice on September 29, 2016 both of which were for services provided in the prior Fiscal Year

2015-2016. Ms. Taylor stated both entities were reminded of Lincoln County's timing requirements for year-end invoice submittal.

Motion: Approve the invoices from C and JS Tire and King Industries for payment, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Stewart.

Vote: Motion passed (summary: Yes = 3, No = 1, Abstain = 0).

Yes: Commissioner Stewart, Commissioner Allen, Commissioner Willard.

No: Commissioner Draper.

23. Consideration of Appointments and Removal from Boards/ Commissioners/ Committees:

- a. Road Review Committee
- b. Land and Natural Resources

Motion: Re-appoint Robert Barber to the Road Review Committee and Mary Ann Siegel-Russ, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

24. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance

Attorney Morel requested the Board of Commissioners consider scheduling a public hearing to address proposed changes to Resolution 2016-17 to introduce a new service offering of private dumpsters within Lincoln County. Attorney Morel reminded this new service did not require changes to the governing Ordinance but the Lincoln County Solid Waste Ordinance mandated a public hearing for any rate setting.

Motion: Schedule a public hearing to consider Resolution 2016-17, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

25. Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and Discussion of the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).

Motion: To close the meeting for the purposes of an Executive Session to discuss Threatened and/or Pending Litigation pursuant to the Open Meetings Act, Section 10-15-1, Sub Paragraph H.(7) and the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8) and as follows:

New or Updated Matters since last report *

1. **Water Rights Protests: New Mexico State Engineer Hearing Numbers: 14-039 and 14-041.** Protests of Applications 01300-1, 01300-2, 01300-3, 0826-2 into 0275 *et. al.* and H-272 *et al* (T) and H-50-1 into H-272 *et. al.* (T) filed July 15, 2013 pertaining to movement / transfer of water rights from the Hondo Valley to the Village of Ruidoso and the City of Ruidoso Downs. Docketing Order filed Sept. 18, 2014. Kelly Cassels/Sanders, Bruin, Coll & Worley, P.A. has been retained by the County, entered his appearance Sept. 22, 2014 and has responded in behalf of the County.

2. **Wesmax, Ltd. V. Paul Baca, Lincoln County Assessor D-1226-CV-2014-00188** Appeal of the Final Order from Lincoln County Valuation Protest Board. Appeal filed Oct. 8, 2014. Case assigned to Basham & Basham/Dwyer. Record of Appeal and Transcript of Proceedings was filed Oct. 23, 2014.

3. **A. Preston, DeAnna v. County of Lincoln, Sheriff Robert Shepperd, Et. Seq. D-1226-CV-2015-00112** Notice of Appeal of Post Disciplinary Hearing filed June 10, 2015. Amended Complaint alleging Civil Rights Violation and Gender Based Discrimination filed on Oct. 13, 2015. Removed to Federal Court Nov. 12, 2015. Amended Complaint Appealing the Adverse Administrative Decision filed May 9, 2016 by Mr. Beauvais. Defendant's Notice of Filing Petition for Removal to Federal Court was filed May 19, 2016.

B. Preston, DeAnna v. County of Lincoln, Sheriff Robert Shepperd, Et Seq In the United States District Court For The District of New Mexico 2:15-cv-01029. Defendants County of Lincoln and Sheriff Robert Shepperd's Motion to Dismiss entered November 19, 2015. Order Dismissing Without Prejudice entered by Judge Stephan Vidmar April 19, 2016. Amended

Complaint Civil Rights Violation filed May 6, 2016 by Mr. Beauvais. Settlement Conference scheduled for December 5, 2016 at 9:30 a.m. before Judge Lourdes A. Martinez.

4. **Orlando Montes v. Pinnacle Propane, LLC, Allen Sultemeier, County of Lincoln, Lincoln County Fair Association, John Does; D-1226-CV-2016-00006 United States District Court for the District of New Mexico 2:16-cv-126.** Complaint for Wrongful Death, Statutory Tort, Violation of Constitutional Rights (Due Process), Negligence Per Se: Loss of Consortium, Negligent Infliction of Emotional Distress filed with the 12th Judicial District Court Jan. 19, 2016. Incident occurred at Lincoln County Fairgrounds July 2, 2015. County was served with Complaint on January 25, 2016. The case was removed to Federal Court Feb. 22, 2016. County of Lincoln's Answer to Complaint filed February 29, 2016. County's Response to Plaintiff's Motion for Partial Summary Judgment filed July 28, 2016. Estate of Montes and Orlando Montes' Response to County of Lincoln's Motion to Stay Discovery filed August 8, 2016.

*5. **Walter Ray Seidel / Brian Ray Seidel v. Anthony Manfredi, Lincoln County Sheriff Department M-32-CV-2016-00036** Civil Complaint filed March 9, 2016 alleging personal and property damage. County of Lincoln's Answer to Civil Complaint filed March 29, 2016. Motion for Continuance of Trial granted by Judge Buddy Hall on August 1, 2016. *Final Pre-Trial Hearing is scheduled for November 30, 2016 at Ruidoso Magistrate Court.

6. **Sean McGarry v. Board of County Commissioners, Lincoln County Sheriff's Department, Deputy Mike Wood, Deputy Jason Green, Deputy David Hightower in their individual capacities and as employees of the Lincoln County Sheriff's Department in the United States District Court for the District of New Mexico 2:16-cv-00483 GBW GJF** Complaint for damages resulting from the excessive use of force, false arrest, assault and battery, malicious prosecution and false imprisonment of Plaintiff by Defendants. Complaint filed May 26, 2016. Defendants Board of County Commissioners for Lincoln County and Lincoln County Sheriff's Department's Answer to Complaint for Civil Rights Violations filed August 11, 2016.

Lincoln County Ordinance Violations:
Alan P. Morel: 12th Judicial District Attorney's Office
Special Prosecutor

7. **State of NM v. Nava, Gabriel M-30-MR-2016-00081** Violation of County Ordinance 2014-04: Prohibited Contraband in Lincoln County Detention Center. Non-Traffic citation was issued by Sheriff's Stg. Warren June 13, 2016. A Misdemeanor Arraignment took place June 20, 2016 at which time Defendant pled "Not Guilty." A resolution was not reached at the July 26, 2016 Pre-Trial Hearing and a Trial was scheduled for August 30, 2016 at 2 p.m. before Judge Vega. Defendant did not attend the Pre-Trial Hearing, and the Court issued a Bench Warrant on August 30, 2016. Pre-Trial Hearing and Bond Forfeiture Hearing are both scheduled for October 25, 2016 at 9 a.m.

*8. **State of NM v. Gunkel, Ronnie M-30-MR-2016-00095** Violation of County Ordinance 2014-04: Prohibited Contraband in Lincoln County Detention Center. Criminal Complaint was filed July 26, 2016. A Misdemeanor Arraignment took place July 27, 2016 before Judge Mickie L. Vega at which time the Defendant pled "No Contest" and was found Guilty. Sentencing Hearing was scheduled for August 16, 2016 at 9 a.m. on a Trailing Docket before Judge Vega. Defendant did not attend the Sentencing Hearing, possibly due to health reasons. *The Defendant appeared before Judge Vega October 11, 2016 for a Sentencing Hearing. A Judgement and Sentence was entered; Defendant received a 90 day Sentence of Unsupervised Probation, and assessed Court Costs of \$73.00 to be paid within 30 days.

*9. **State of NM v. Connor, Kimberly M-32-MR-2016-00377** Violation of County Ordinance 2008-08: Animals Running at Large. Defendant appeared before Judge Lund September 26, 2016 and pled "No Contest" at which time Defendant was found Guilty. Judgment and Sentence was entered; Defendant received a 90 day Sentence of Unsupervised Probation, a fine of \$25.00 and Court Costs of \$73.00 for a total of \$98 to be paid within 30 days.

Tort Claims Notices Received or Threatened

2016

Rains, Bonnie – Tort Claim Notice received January 18, 2016 alleging failure of the County of Lincoln to maintain road surfaces during snow or ice conditions.

Brazel, Stephanie – Tort Claim Notice received January 20, 2016 alleging injuries incurred due to Claimant stepping in an alleged uncovered water meter hole at 2801 Sudderth Drive, Ruidoso, NM.

William Gayford – Roger Linfoot – Tort Claim Notice received February 17, 2016 from Attorney W. Chris Nedbalek alleging 4th and 14th Amendments violations and "possibly other constitutional, statutory, regulatory, legal or equitable rights not specifically named."

Hill, Walter – Tort Claim Notice received March 8, 2016 via emailed correspondence from Mr. Hill alleging the unlawful disclosure of confidential information from Mr. Hill's Lincoln County personnel file.

Sonora Corporation (John Russell-CEO)-Tort Claim Notice received April 6, 2016 via correspondence from Mr. Russell in response to a Notice of Investigation from NM Construction

Industries Division due to an alleged lack of final inspection and deviation from approved plans of construction in 2012 at 119 Bald Eagle Court, Alto, NM.

Jaramillo, Monica – Tort Claim Notice received April 8, 2016 alleging Lincoln County road department employee in the performance of his road grading duties damaged Ms. Jaramillo's vehicle.

Wagoner, John – Tort Claim Notice received April 12, 2016 via telephone call to Mr. Morel's office when Mr. Wagoner threatened suit against Lincoln County with respect to alleged accumulation of garbage at property on Highway 70.

Steward, Tynell – Tort Claim Notice received April 18, 2016 alleging abuse while incarcerated in Lincoln County Detention Center.

Coleman, Chad – Tort Claim Notice received April 25, 2016 alleging warrantless search and seizure and malicious prosecution.

Parsons-Williams, Karen – Tort Claim Notice received June 2, 2016 alleging negligent or malicious medical procedure performed at Lincoln County Medical Center on March 9, 2016.

Ceja, Dana – Tort Claim Notice received September 22, 2016 alleging violations of the US and New Mexico Constitution and various charges while Mr. Joey Ceja was incarcerated at Lincoln County Detention Center.

***Vigil, Elisa** – Tort Claim Notice received October 3, 2016 alleging automobile damage due to Lincoln County road conditions.

***Rue, Barney** – Tort Claim Notice received October 4, 2016 via telephone to County Ordinance Administrator's office alleging Lincoln County's non-enforcement of its Solid Waste Ordinance regarding the alleged allowance of accumulation of waste.

2015

Cherry, Doris – Tort Claim Notice posted in Lincoln County News Jan. 1, 2015 stating possible Civil Rights Violation lawsuits regarding alleged Americans with Disabilities Act non-compliance in remodeling the Lincoln County Courthouse buildings.

McDaniel, Carl – Tort Claim Notice received Jan. 23, 2015 from Attorney John Sugg alleging violation of the Unfair Trade Practices Act and engaging in unfair or deceptive trade practices and/or unconscionable trade practices by GSWA.

Sehorn, Sean M. – Tort claim Notice received March 2, 2015 from Attorney Gary Mitchell alleging Lincoln County Detention Center failed to provide adequate medical treatment during inmate Sehorn's incarceration.

Lavin, Erica L. and Rathgeber, Jack – Tort Claim Notice received March 2, 2015 from Attorney Gary Mitchell alleging Constitutional Rights were violated resulting in wrongful termination.

Hanley, Constance – Tort Claim Notice received March 20, 2015 from Attorney John Sugg alleging violations of 42 USC section 1983, malicious prosecution, failure to investigate, defamation of character, libel and abuse of process.

Capitan Iron Mine through A. Blair Dunn – Threatened Litigation on April 1, 2015 against the County of Lincoln should Lincoln County require Capitan Iron Mine comply with Lincoln County Mine Ordinance 2009-01.

Chavez, Billy – Ordinance Violation: 2009-03 Regulating Refuse, Solid Waste and Litter in the County. March 10, 2015 certified letter mailed to Mr. Chavez giving him 30 days to dispose of debris on his property at 142 White Cat Road, San Patricio (Section 26, Township-10S, Range 16E, tract of land lying in the NE 4SE4). April 10, 2015 the property was inspected and noted no progress had been made.

Culp, Susan v. LCMC/Lincoln County: Tort Claim Notice received May 4, 2015 from Attorney Katherine Channing Roehl/Roehl Law Firm alleging medical malpractice, negligent supervision, negligent credentialing by staff, administrators and doctors at LCMC on or about March 3, 2015 during Ms. Culp's gall bladder removal surgery.

Reyes, Roberto – Tort Claim Notice received May 15, 2015 from Attorney Timothy White/Valdez White Law Firm alleging illegal seizure, illegal search, illegal imprisonment and wrongful conduct of the Lincoln County Sheriff's Department.

Torres, Leopoldo: Tort Claim Notice received June 4, 2015 from inmate Torres alleging inmate-initiated attack on inmate Torres at Lincoln County Detention Center.

Wallace, Stephen: Tort Claim Notice received June 11, 2015 from Attorney Gary Mitchell alleging deprivation of Constitutional rights due to false incarceration at Lincoln County Detention Center without proceeding with a timely extradition.

Rodriguez, Victor – Tort Claim Notice received July 13, 2015 from Attorney W. Chris Nedbalek alleging hostile treatment from fellow employees while employed at Lincoln County Detention Center.

Prudencio, Fabian and Corinne – Tort Claim Notice received July 24, 2015 from Attorney Daniel P. Ulibarri alleging negligence, personal injury, spoliation, indemnification and property damage against the County of Lincoln.

Yates, Barbara – Verbal Threat against the County issued July 21, 2015 due to ongoing flooding at her private property.

Davis, Jack and Rema – Verbal Threat against the County issued July 21, 2015 due to ongoing flooding at their private property.

Capitan Iron Mine – Tort Claim Notice received Sept. 24, 2014 via email from A. Blair Dunn, alleging County trespass on private property.

L. Phillip Onsrud – Tort Claim Notice received Nov. 3, 2015 via email alleging lack of medical care while incarcerated in Lincoln County Detention Center.

Brown, Shelly – Tort Claim Notice received December 31, 2015 alleged failure of the County of Lincoln to maintain road surfaces during snow or ice conditions.

2014

Caughron, Brittany and Anderson, Amie – Tort Claim Notice received Oct. 24, 2014 by Attorney W. Chris Nedbalek alleging overcrowding of Lincoln County Detention Center as a violation of 8th Amendment Rights.

Ryen, Allen – Tort Claim Notice received Oct. 27, 2014 by Attorney W. Chris Nedbalek alleging Mr. Ryen was exposed to unsanitary conditions at Lincoln County Detention Center.

Inmate Group – Tort Claim Notice received Oct. 27, 2014 by Attorney W. Chris Nedbalek alleging overcrowding and unsanitary conditions at Lincoln County Detention Center.

Caughron, Brittany and Anderson, Amie – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging inadequate medical care and overcrowding at Lincoln County Detention Center.

Inmate Group – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging overcrowding and unsanitary conditions at Lincoln County Detention Center.

Long, Cameron – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging mistreatment by an Officer with Adult Probation and Parole.

McClarnon, Brian – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging violations of U.S. Constitutional Amendment rights.

Diana Martwick, 12th Judicial District Attorney – Tort Claim Notice received Nov. 25, 2014 alleging lack of adequate office space provided by the County of Lincoln.

Inmate Group – Tort Claim Notice received Dec. Dec. 22, 2014 by attorney W. Chris Nedbalek alleging inmates were mistreated at Lincoln County Detention Center.

2013

Harrisburg Documents - Attempts to recover Lincoln County documents illegally taken from the County. County Clerk Rhonda Burrows has been in contact with Harrisburg, PA in recovery efforts.

Action: Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Willard.

Vote: Motion carried by unanimous roll cvote (summary: Yes = 4).

Yes: Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

Chair Draper recessed the Regular Meeting and convened the Closed Session at 1:14 PM.

Chair Draper adjourned the Closed Session and reconvened the Regular Meeting at 2:14 PM.

Commissioner Willard attested that matters discussed in the closed meeting were limited to those specified in the motion for closure or in the notice of separate closed meeting.

26. Potential Property Purchase by Resolution 2016-18

Attorney Morel informed adopting of the Resolution would affirm the purchase of property from the Village of Ruidoso for a tract of land known as the Lincoln Compactor Site in Lincoln.

Motion: Adopt Resolution 2016-18, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 4).

Yes: Commissioner Stewart, Commissioner Allen, Commissioner Draper, Commissioner Willard.

SEE EXHIBIT C: Copy of Resolution 2016-18 is attached hereto in reference thereto made a part hereof.

27. Renewal of County Manager Contract – Terminates November 7, 2016

Attorney Morel informed the County Manager's current contract expired on November 7, 2016. Attorney Morel reminded the original contract as written provided for an annual continuation and the extension of Ms. Taylor's employment for a sixth year. Attorney Morel reviewed past recommendations for position improvements and provided a report of important activities performed by Manager Taylor during the past year. Attorney Morel stated in addition to consideration of approval of the contract renewal it was customary to consider a pay adjustment.

Motion: Renew the County Manager's contract under existing conditions, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

Commissioner Willard questioned when the County Manager last received a raise.

Ms. Taylor stated she last received a raise in 2014.

Vote: Motion failed (summary: Yes = 1, No = 3, Abstain = 0).

Yes: Commissioner Stewart.

No: Commissioner Allen, Commissioner Draper, Commissioner Willard.

Motion: Approve the renewal of the County Manager's contract with 3% increase, **Action:** Approve, **Moved by** Commissioner Allen, **Seconded by** Commissioner Draper.

Vote: Motion passed by roll call vote (summary: Yes = 3, No = 1, Abstain = 0).

Yes: Commissioner Allen, Commissioner Draper, Commissioner Willard.

No: Commissioner Stewart.

28. Signing of Official Documents

30. Next meetings:

- a. October 25, 2016 – Special Commission Meeting
- b. November 10, 2016 – Special Commission Meeting 2016 General Election Canvass
- c. November 15, 2016 - Regular Commission Meeting

31. Adjourn

There being no further business to come before the Board of County Commissioners, Chair Stone adjourned the meeting at 2:29 PM.

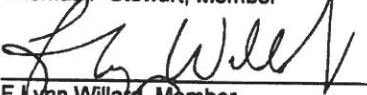
County of Lincoln
Board of County Commissioners


Preston Stone, Chair


Dallas Draper, Vice Chair


Elaine Allen, Member


Thomas F. Stewart, Member


F. Lynn Willard, Member

ATTEST:


Rhonda Burrows, County Clerk

November 15, 2016
Date Approved

